

Professor Mary O'Kane AC  
Chair  
NSW Independent Planning Commission  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

By email only: [ipcn@ipcn.nsw.gov.au](mailto:ipcn@ipcn.nsw.gov.au)

Dear Professor O'Kane

### **West Culburra Concept Proposal (SSD 3846)**

It is noted that the NSW Department of Planning & Environment have responded (letter dated 17 August 2018) to Council's concerns regarding the strategic planning framework and the weight being given to it.

We are, however, disappointed with the content of the Department's response and it is necessary to write to the Commission again to respond to some of the advice provided by the Department. Our responses are as follows:

1. Council did not raise the 'five centre growth strategy' or the Shoalhaven GMS in our earlier submissions to the Department for two reasons:
  - a. We did not anticipate that the Department would turn its mind to the strategic planning framework in its assessment. We had assumed that, as this is a Development Application, the matter would be principally assessed under the statutory planning framework given the land is currently zoned. We never contemplated that an argument would be advanced that strategic planning should prevail over a current zone with supporting objectives. Consequently, we did not see any need to provide an extensive commentary on the strategic plans. We were largely unaware they were relevant to this application. Irrespective of this the Department could have had a dialogue with Council to clarify things.
  - b. We assumed that the Department would have access to the GMS document both on our website and within their internal file management system, noting that the Department endorsed the GMS.

2. Contrary to the suggestions in the letter, the final version of the GMS is available on Council's website at the following link: [http://shoalhaven.nsw.gov.au/LepRegisterDocuments/Msc/115/GrowthManagementStrategy\\_Version1.pdf](http://shoalhaven.nsw.gov.au/LepRegisterDocuments/Msc/115/GrowthManagementStrategy_Version1.pdf).  
This document has been available on our website since it was finalised and if Department staff could not find it, Council staff would have been happy to assist.
3. It is still concerning that the Department misinterpreted the maps contained in the Urban Development Program report.
4. The letter contains a subtle but important shift in the Department's conclusion on this matter that needs to be understood in the drafting of an instrument for refusal (assuming the commission is otherwise minded to refuse the application). The original report asserted that the application located growth outside the areas identified for growth in the strategic planning framework. It then argued that this would be inconsistent with population growth projections for the area. The revised conclusion is that the strategic planning framework requires any growth to be sensitive to the environmental constraints of the land. On this basis, the Department still maintains that the application is inconsistent with the strategic planning for the area.
5. Draft reason for refusal (a)(ii) relates to population modelling for the area. We assume that this recommendation is no longer pressed by the Department based on the commentary in their recent letter.
6. Draft reason for refusal (a)(i) relates to an inconsistency with the strategic planning for the area without any detail on what that inconsistency is. If the commission intends to include this in a refusal of the application, we recommend the commission embellish the reason to state what the inconsistency with the strategic plans is.

As outlined in Council's representations on this matter, Culburra Beach area has long been identified as a potential growth area and a higher order centre that can support additional growth.

If you wish to clarify any of the above, please contact me on (02) 4429 3355. Please quote Council's reference 3A10/1003 (D18/275243).

Yours faithfully



**Gordon Clark**  
**Acting Group Director – Planning, Environment & Development**  
10/08/2018